



General Assembly

Distr.
GENERAL

A/C.5/52/9
4 November 1997
ENGLISH
ORIGINAL: ENGLISH/FRENCH

Fifty-second session
FIFTH COMMITTEE
Agenda item 17 (e)

APPOINTMENTS TO FILL VACANCIES IN SUBSIDIARY ORGANS AND OTHER APPOINTMENTS

Appointment of members of the United Nations Administrative Tribunal

Note by the Secretary-General

1. As indicated in document A/52/105, it will be necessary for the General Assembly, during its current session, to appoint three persons to fill vacancies that will arise in the membership of the United Nations Administrative Tribunal, effective 31 December 1997.
2. The following persons have been nominated by their respective Governments for appointment or reappointment:

Mr. Chittharanjan Felix Amerasinghe (Sri Lanka);

Mr. Mikuin Leliel Balanda (Democratic Republic of the Congo);

Mr. Hubert Thierry (France).
3. The candidates' curricula vitae follow.



CHITTHARANJAN FELIX AMERASINGHE

[Original: English]

Degrees: B.A., LL.B, Ph.D., LL.D. (Cambridge), LL.M. (Harvard),
Ph.D. (Ceylon)

Date of birth: 2 March 1933

Address: 6100 Robinwood Road, Bethesda, Maryland 20817, United States
271/1 Gregory's Road, Colombo 7, Sri Lanka (permanent address
in country of nationality)

Nationality: Sri Lanka

1. Tertiary education and qualifications

(a) Academic training and degrees

University of Cambridge England (Trinity Hall) (starting 1951)

- 1955 B.A. in Law (Triple First; 1953 - Classical Tripos, part I -
First Class, a high first (U.S. equivalent - *summa cum laude*);
1954 - Qualifying to Law Tripos, part II - First Class, *First*
in the University (U.S. equivalent - *summa cum laude*);
1955 - Law Tripos, part II - First Class, *Second* in the
University, an excellent First (U.S. equivalent -
summa cum laude)
- 1956 Postgraduate degree in Law (with Honours) - Master's degree in
Law, international law, with honours (U.S. equivalent
magna cum laude)
- 1958 Master of Arts conferred
- 1968 Doctor of Philosophy in Law (international law)
- 1973 Doctor of Law (this higher doctorate was earned on the basis of
published works on international law, constitutional law and
Roman-Dutch private law)

Harvard University Law School (United States)

- 1959 Master of Laws (international law) - equivalent *Magna cum laude*

University of Ceylon (while a member of the staff)

- 1965 Doctor of Philosophy (Roman-Dutch law)

Hague Academy of International Law (Netherlands)

- 1967 Certificate for Research (Centre for Research)

/...

(b) Awards

University of Ceylon (1950-1951)

- 1951 Awards for excellence in First examination in arts and oriental studies
 Mervyn Kulatilleke Prize for Greek

University of Cambridge, Cambridge

- 1953 (On the Classical Tripos part I)
 Scholar of Trinity Hall, Cambridge
 Prize for First Class
 Angus Prize for Classics
 Henry Arthur Thomas Classical award of the University of Cambridge
- 1954 (On the qualifying examination to part II of the Law Tripos)
 Scholar of Trinity Hall, Cambridge
 Prize for First Class
 Second in the George Long Prize for Roman Law of the University of Cambridge
- 1955 (On the Law Tripos part II)
 Major Scholar of Trinity Hall, Cambridge
 Prize for First Class
 David Clement Davies Prize for Law
- 1956 Trinity Hall Law Studentship (3 years)
- 1964 York Prize, Cambridge University (dissertation)
- 1970 Elected to the Smuts Fellowship of the University of Cambridge

2. Professional experience

- 1981-1996 I was Executive Secretary and Director, Secretariat, World Bank Administrative Tribunal (WBAT) from 1981 to December 1996. I have retired from the service of the World Bank.

- (i) Apart from administrative duties as Registrar of this Court, I supervise research, give advice to the judges (on the law and procedure) and parties, write parts of judgements, analyse cases for the judges, write legal opinions and provide support for the judges in their

/...

judicial functions. I also produce research papers and publications. Research papers on the law are produced under my supervision. During this period I have published books and articles on international legal subjects (see below), mostly outside working assignments. It is necessary in this position to have dealings with the judges who are eminent lawyers (two were ex-Presidents of ICJ), and Vice-Presidents and other high-level officials of the World Bank. There is a great deal of diplomacy and tact needed in dealing with judges and the senior management of the Bank. The advice given the judges is important both in substance and in effect and requires a great deal of heavy responsibility, because it can have an impact on the outcome of cases decided. The position held is a senior managerial position in the World Bank, being a headship of a separate independent department, the administrative oversight for which is vested in the Vice-President and Secretary of the Bank with whom I deal directly.

- (ii) This Court (WBAT - consisting of 7 judges and an Executive Secretary) was established in June 1980. I was appointed Executive Secretary in August 1981, after 4 cases had been decided. I have been responsible for helping to establish and devise procedures and set up WBAT on a firm and solid footing, having contributed to its just and fair procedures and consistent and balanced jurisprudence with advice to the judges and the President of WBAT. WBAT has earned the reputation of being one of the leading international administrative courts and has come to be especially respected for its performance and work. There have been several difficult and complex cases decided and I have serviced the Court with knowledge of the precedents, jurisprudence and law in regard to them. WBAT has decided about 150 cases. One of the many functions I perform is analysing each case in respect of facts and law so that the judges may understand the issues, etc., better and decide the case justly and effectively. I also cite precedents both of WBAT and other tribunals in formal papers for each case. In general, I may (and the judges permit this) express opinions to the judges on the justice and propriety of positions and reasoning in the cases to be decided. In this regard I have given support to the judicial function. The legal and other advice given has thus facilitated and provided a foundation for the performance of the judicial function. It is in this regard a very specialized function requiring prudence, good judgement, acumen and skill. I have also written papers and opinions for the judges on the procedural and substantive legal aspects of cases before the Court. On some occasions (though infrequently) I have written reasoned

draft judgements for cases. The expertise required covers not only international administrative law and administrative law in national systems but also public international law and other areas of law.

- (iii) I have written extensively on public international law and on international administrative law including a two-volume treatise on the subject which is in its second edition and is now the authoritative work on the subject (see sect. 6 below).
- (iv) I have also travelled widely, lecturing to professional lawyers and university research law students on international law, international administrative law and international organizational law. I have had dealings with the legal advisers of many international organizations, and Registrars (Executive Secretaries) of their administrative tribunals courts, including the United Nations, ILO, the Council of Europe and other regional organizations, both in Europe and elsewhere. I was consulted and played a major role in the setting up of IMF, the Asian Development Bank, the Commonwealth Secretariat, the Bank for International Settlements and most recently the African Development Bank, Administrative courts. The Inter-American Development Bank Tribunal and IDB itself also consulted me after IDB established its court as did the Asian Development Bank and the Commonwealth Secretariat and their courts. I am consulted by interested parties on international and organizational law. Counsel for parties outside WBAT have also consulted me.
- 1970-1981 (v) As Attorney and Senior Counsel, Legal Department, World Bank, I: (a) made many official missions to developing countries; did work on the drafting and processing of loan and credit agreements; gave legal advice and input on project appraisal reports, etc., connected with World Bank operations and policy; acted as Chief Counsel of the operational division on several occasions; gained a great deal of experience in negotiating with Governments and in effective and practical diplomacy, arising from dealings with Ministers and other high-level government officials; (b) dealt with matters concerning the law of international organizations and international law in general and participated in the preparation of Board and other papers on these matters; (c) had assignments on the International Centre for Settlement of Investment Disputes (ICSID) and prepared several articles for publication (see sect. 6.A(b)). In doing assignments for ICSID between 1972 and 1980 when in the Legal Department of the World Bank, I participated in the ICSID procedure for the settlement of investment disputes; (d) carried

/...

out assignments concerned with expropriation and the promotion of foreign investment, and wrote papers in this area; (e) worked as Legal Adviser to the preparatory body on the Common Fund for Commodities 1980-82 (seconded by World Bank).

- (vi) On the law of the sea: (a) I was assigned principal responsibility for law of the sea affairs in the Legal Department of the World Bank. In this capacity I was the legal representative on the World Bank's delegation to the Third United Nations Conference on the Law of the Sea, which culminated in the Convention of 1982. I wrote papers and attended conference sessions. In particular I attended Committee I (seabed) and the Committee on dispute settlement. (b) Apart from attending the conferences, I was called upon for advice by the President of the Conference, Mr. H. Shirley Amerasinghe, on a broad variety of matters connected with the law of the sea, particularly on matters concerning the Seabed Authority and dispute settlement. I was especially involved in the proceedings on the Seabed Authority, dispute settlement and the regimes of islands and archipelagos and helped formulate Convention provisions on, inter alia, thereon. (c) I have kept abreast of developments in the law of the sea since 1982. (d) I have published articles on the law of the sea (see sect. 6 below).

1962 (vii) Academic work. Apart from scholarship and publications (see sect. 6):

- (a) I have lectured in Roman-Dutch, constitutional and public international law. I was a Lecturer, Reader and Professor of Law at the University of Ceylon, and an Adjunct (Visiting) Professor of International Law at the Law School of American University, Washington, D.C. I have lectured in various parts of the world, on a variety of subjects, principally on public international law. I was also an Honorary Professor of Law at the University of Colombo.
- (b) I have supervised research in public international law at the World Bank and at academic institutions. I have also examined for the Ph.D. degree.
- (c) I have been engaged in research, principally most recently in public international law, and have kept abreast of developments in that field and in the literature thereon.

1962-1970 (viii) Consultant on international law, mainly to Governments, but also to other litigants.

1960-1962 (ix) Practical experience in law as executive of a corporation.

3. Employment

1981-1997 Executive Secretary (and Director, Secretariat), World Bank Tribunal. This is a senior managerial position. I shall be retiring in 1997. I plan to develop a practice in public international law, international administrative law and international arbitration.

1991-1994 Adjunct Professor of International Law, Washington College of Law, American University, Washington, D.C. Gave international law lectures.

1980-1982 While at the World Bank, on a part-time secondment, functioned as Legal Adviser to UNCTAD, on the Common Fund.

1970-1981 Attorney, then from 1975, Senior Counsel, Legal Department, World Bank.

1969-1971 Professor of Law at the University of Ceylon, Faculty of Law. Acted as Head of Department of Law and as Dean of the Faculty, 1969-1970.

1962-1969 Consecutively, Lecturer, Senior Lecturer and Reader in Law, University of Ceylon.

1963-1970 Consultant (inter alia to the Government of Ceylon) in international law (including on disputes arising from the nationalization of the oil companies in Ceylon). Some of this work was honorary.

1960-1962 Employed as an executive in a legal advisory capacity by Caltex Oil Company.

1955-1957 Supervisor of Legal Studies at Cambridge University (Trinity Hall).

1960- Have been consulted on matters of international law by many litigants and others.

(Appointed Deputy Secretary-General of the Asian-African legal Consultative Committee in 1964 but did not accept. Also appointed Professor of Law and Head of the Department of Law, University of East Africa, in 1970, but could not accept).

4. Distinctions and honours

- 1996-1997 Visiting Senior Fellow, Trinity Hall, Cambridge.
- 1994- Chairman - Committee on International Organizations (American Society of International Law).
- 1991-1994 Honorary Professor of Law at the University of Colombo.
- 1990- Member, Senior Editorial Board, Macarthur Foundation Project on the Governing Rules of International Law (American Society of International Law). - By invitation.
- 1989 Awarded certificate of merit for 1988 by the American Society of International Law for The Law of the International Civil Service (see sect. 6) - for the best publication of creative scholarship in international law.
- 1981- Member, since 1987, Institut de droit international; Associé, 1981-87 (by election).
- 1969- Member, Comité d'honneur, International Institute of Human Rights, Strasbourg.
- 1980-1983 Member, Executive Council, American Society of International Law, 1980-1983.
- 1988- Invited to contribute essays to 10 collections in honour of distinguished international legal scholars and jurists.

5. Other particulars

- Member, Governmental Commission on Local Government, 1969 (Ceylon).
- Invited to submit memorandum and give evidence as a legal expert before the Parliamentary Select Committee on Constitutional Reform, Ceylon, 1968.
- Member, Panel of International Law Experts, United Nations, 1967.
- Member, Ceylon delegation to the Asian African Legal Consultative Committee, 1964.
- Delegate by invitation, Athens Conference of International Law Experts (sponsored by the Carnegie Endowment for International Peace), 1966.
- Delegate by invitation, Hong Kong Conference of International Law Experts (sponsored by the Carnegie Endowment for International Peace), 1967.
- Delegate by invitation, Bellagio Conference of International Law Experts on Individual Rights and the State in Foreign Affairs, 1972.

/...

Represented Ceylon at the Conference of the Lawyer, sponsored by the International Legal Centre, New York, 1968.

Rapporteur on "Nationalization" at the Colloquium of the International Commission of Jurists on the Rule of Law, 1966.

Invited on three occasions to read papers and contribute to the Sokol Colloquiums on International Law, United States, 1990-1994.

Member, International Law Association, 1982.

Member, American Society of International Law, 1963.

Member, International Commission of Jurists (Ceylon section), by invitation 1962-1970 (Geneva).

Member, Institut de droit international (by election) (worldwide).

Member, British Institute of International and Comparative Law.

Member, Committee on State Responsibility of the American Society of International Law, 1975-1984.

Member, Comité d'honneur, International Institute of Human Rights (France).

Member (nominated by Sri Lanka), Panels of Conciliators and Arbitrators under the Law of the Sea Convention, 1995.

Member, Panel of Arbitrators and Panel of Conciliators of International Centre for Settlement of Investment Disputes (nominated by Sri Lanka), 1997.

Read papers and lectured to many learned societies, including Indian Society of International Law. Read papers and lectured at University Law Schools in the United States, Canada, the United Kingdom and Scandinavia and at the universities and to professional and learned societies in Mexico, Brazil, Australia, Singapore, Hong Kong, China, Sri Lanka, India and Malaysia, inter alia.

Member, Middle Temple, London.

Judge on more than one occasion in Jessup Moot Competitions of American Society of International Law.

Member, Senior Advisory Board, Foundation for International Environmental Law (FIELD), United Kingdom.

Chairman, Sri Lanka Overseas Foundation, 1986 (earlier, Vice-Chairman).

Member, World Bank delegation to UNCLOS III as Legal Representative, 1973-1981.

/...

Member, Advisory Board, Sri Lanka Journal of International Law.

Judge on panel of Arbitral Tribunal of Commonwealth Secretariat, 1996-.

Panel of United Nations Commissioners for the Iraq-Kuwait Compensation Commission, 1997-.

Listed in International Who's Who and Who's Who in the World (Marquis), among other directories.

6. Publications

A. International law

(a) Books

1. State Responsibility for Injuries to Aliens, 1967, Clarendon Press, Oxford University, 324 pp., Ph.D. thesis, Cambridge University.
2. Studies in International Law, 1969, Lake House Investments, Colombo, 322 pp.
3. The Law of the International Civil Service (as applied by international administrative tribunals) - 2 vols., 1994, 2nd ed., Oxford, Clarendon Press, 1,204 p. The authoritative work on the subject.
4. Documents on International Administrative Tribunals; Oxford, Clarendon Press, 1989, 205 p.
5. Case Law of the World Bank Administrative Tribunal 1981-92; 2 vols., Oxford, Clarendon Press, 1989, 1993 (vol. 3 in preparation).
6. Local remedies in International Law, Cambridge University Press/Grotius, 1990, 410 p.
7. Principles of the Institutional Law of International Organizations, Cambridge University Press/Grotius, 1996, 510 p.

(b) Articles

8. "Sovereign Immunity", 7 International and Comparative Law Quarterly (1957), pp. 360 ff.
9. "Recognition of foreign nullity decrees", 80 South African Law Journal (1963), pp. 180 ff.
10. "Exhaustion of procedural remedies in the same court", 13 International and Comparative Law Quarterly (1963), pp. 1285-1325.

/...

11. "The Ceylon oil expropriations", 58 American Journal of International Law (1964), pp. 445 ff.
12. "State breaches of contracts with aliens and international law", 58 American Journal of International Law (1964), pp. 881-913.
13. "The United Nations Expenses Case - a contribution to the law of international organization", 4 Indian Journal of International Law (1964), pp. 177-232.
14. "The Schtraks case, Defining Political Offences and Extradition", 28 Modern Law Review (1965), pp. 27-45.
15. "La nationalization des compagnies pétrolières à Ceylan et le droit international", 36 Revue générale de droit international (1965), pp. 395-428.
16. "The use of armed force by the United Nations in the travaux préparatoires", 5 Indian Journal of International Law (1965), pp. 305-333 also published in 4 Canadian Yearbook of International Law (1966), pp. 81-101.
17. "The formal character of the rule of local remedies", 25 Zeitschrift für ausländisches öffentliches Recht und Völkerrecht (1965), pp. 445-477.
18. "Imputability in law of State responsibility for injuries to aliens", 22 Revue égyptienne de droit international (1966), pp. 91-130.
19. "Some problems of State trading in South-East Asia", 20 Vanderbilt Law Review (1967), pp. 257-277 (on invitation to contribute to a symposium of chosen international law experts).
20. "The rule of exhaustion of domestic remedies in the framework of international systems for the protection of human rights", 28 Zeitschrift für ausländisches öffentliches Recht und Völkerrecht (1968), pp. 257-300.
21. "The rule of exhaustion of local remedies and the international protection of human rights", 17 Indian Yearbook of International Affairs (1968), pp. 3-63.
22. "Submission to the jurisdiction of the International Centre for Settlement of Investment Disputes", 5 Journal of Maritime Law and Commerce (1974), pp. 211-250.
23. "Model clauses for settlement of foreign investment disputes", 28 Arbitration Journal (1973), pp. 232-257.

/...

24. "How to use the International Centre for Settlement of Investment Disputes by reference to its model clauses", 13 Indian Journal of International Law (1973), pp. 530-549.
25. "The problems of archipelagoes in the international law of the sea", 23 International and Comparative Law Quarterly (1974), pp. 539-575.
26. "Legal relations between Ceylon and the People's Republic of China, 1949-1971", 16 Malaya Law Review (1974) (Singapore University), pp. 83-96.
27. "Basic principles relating to the international regime of the oceans at the Caracas session of the U.N. Law of the Sea Conference", 6 Journal of Maritime Law and Commerce (1975), pp. 213-248.
28. "Jurisdiction rationae personae under the Convention on the Settlement of Investment Disputes between States and Nationals of Other States", in the 1974/1975 British Year Book of International Law, pp. 227-267.
29. "Individual rights and the State in foreign affairs - Sri Lanka", in a collection of papers published by the American Society of International Law (1977), pp. 460-497.
30. "Quantum of compensation for nationalized property", in vol. 3 of The Valuation of Nationalized Property in International Law (ed. Lillich) (1975), pp. 91-140.
31. "The local remedies rule in an appropriate perspective", 36 ZAORV (1976), pp. 727-759.
32. "The International Centre for the Settlement of Investment Disputes and development through the multinational corporation", 9 Vanderbilt Journal of Transnational Law (1976), pp. 793-816.
33. "Dispute settlement machinery in relations between States and multinational enterprises with particular reference to ICSID", 11 International Lawyer (1977), pp. 45-59.
34. "The World Bank Administrative Tribunal", 31 International and Comparative Law Quarterly (1982), pp. 748-764.
35. "The implications of the de Merode case for international administrative law", 43 Zeitschrift für ausländisches öffentliches Recht und Völkerrecht (1983), pp. 1-48.
36. "The Common Fund for Commodities", 7 International Trade Law Journal (1982-1983), pp. 231-280.

37. "Convention and International Centre for the Settlement of Investment Disputes", 5 Encyclopedia of Public International Law (1983), pp. 188-192.
38. "Termination of permanent appointments for unsatisfactory service in international administrative law", 33 International and Comparative Law Quarterly (1984), pp. 859-884.
39. "Détournement de pouvoir in International Administrative Law", 44 Zeitschrift für ausländisches öffentliches Recht und Völkerrecht (1984), pp. 439-481.
40. "Non-confirmation of probationary appointments" (with D. Bellinger), British Year Book of International Law (1983) pp. 167-206.
41. "Sources of international administrative law", in International Law at the time of its Codification, Essays in honour of Roberto Ago (1987), pp. 67-95.
42. "Claimants to staff membership before International Administrative Tribunals" (with D. Thorslund), 38 International and Comparative Law Quarterly (1989), pp. 653-667.
43. "The World Bank Administrative Tribunal - Its Establishment and its Work", published by Martinus Nijhoff in a collection of Essays on International Administration (1990) (ed. de Cooker), V. 3, pp. 1-39.
44. "Liability to third parties of member States of international organizations - Practice, Principle and Judicial Precedent", 85 American Journal of International Law (1991), pp. 259-280.
45. "Problems of evidence before international administrative tribunals", in a collection of essays on Evidence before International Tribunals (ed. R. Lillich) (1991), pp. 205-233.
46. "Whither the local remedies rule?", 5 ICSID Review (1990), pp. 292-310.
47. "Problems relating to promotion in the law of the international civil service", 51 ZAORV (1991), pp. 923-37.
48. "Issues of compensation for the taking of alien property", 41 International and Comparative Law Quarterly (1992), pp. 22-65.
49. "Limitations on the rule of local remedies", in Essays in Honour of Prof. Manuel Díez de Velasco (1992).

50. "Interpretation of article 25(2)(b) of the ICSID Convention", in Lillich and Brower, International Arbitration in the 21st Century (1992), pp. 223-44.
51. "Some aspects of the quantum of compensation payable upon expropriation", in Proceedings of the American Society of International Law (1993), pp. 477-483 (paper prepared for a panel discussion on "The New International Economic Order" at the ASIL annual meeting).
52. "Assessment of compensation for expropriated foreign property: three critical problems", in Macdonald, Essays in Honour of Professor Wang Tieya (1993), pp. 55-65.
53. "Mixed international arbitrations by S. J. Toope", book review in 7 ICSID Review (1992), pp. 290-4.
54. "Aspects of the administration of justice by E. Lauterpacht", book review in 8 ICSID Review (1993), pp. 185-7.
55. "The Prawn Farm (AAPL) arbitration", 4 Sri Lanka Journal of International Law (1992), pp. 155-61.
56. "Human rights, basic rights and the protection of international civil servants", 2 Sri Lanka Journal of International Law (1990), pp. 1-35.
57. "Arbitration and the rule of local remedies", published in Festschrift for Rudolph Bernhardt (1995).
58. "International legal personality revisited", in Austrian Journal of Public International Law (December 1994).
59. "Interpretation of texts in open international organizations", published in British Year Book of International Law (1994).
60. "Decisions of the World Bank Administrative Tribunal from 1981 to 1989: an assessment", in Liber Amicorum in Tribute to Judge Eduardo Jiménez de Aréchaga (1994).
61. "Cases of the ICJ relating to employment in international organizations", published in Essays in Honour of Judge Robert Yewdall Jennings (1996).
62. "Supervision by international administrative tribunals of legislative acts of international organizations in relations with their staff", in 1 Liber Amicorum Professor Henry G. Schermers (1994), pp. 239-254.

63. "International law and the concept of law: why international law is law", to be published in Festschrift for Dr. K. Skubiszewski, former Foreign Minister of Poland, Professor of International Law and ad hoc Judge of the International Court of Justice.
64. "The international Law on Foreign Investment by M. Sornarajah", book review to be published in 11 ICSID Review (1996).
65. "International administrative law in the twenty-first century", to be published in Essays in Honour of Judge C. G. Weeramantry (1996).
66. "The Responsibility of International Organizations Toward Third Parties by Moshe Hirsch", book review to be published in 45 International and Comparative Law Quarterly (1996).

B. Constitutional law and private law

(a) Books

67. Aspects of the Actio Iniuriarum (The Law of Injuries) in Roman-Dutch Law, 1966, Lake House Investments, Colombo, 262 pp.
68. Defamation and other Injuries, 1968, Lake House Investments, Colombo, 414 pp. These two volumes comprise a complete study of the law of injuries in Roman-Dutch law as applied in South Africa and Ceylon. They are comparative also with the English law. They are now the authoritative work on the Roman-Dutch law of injuries.
69. The Doctrines of Sovereignty and Separation of Powers in the Law of Ceylon, 1970, Lake House Investments, Colombo, 284 pp. The work employs the comparative law method: English, Australian, United States and Canadian law.

(b) Articles

70. "Rylands v. Fletcher in the law of Ceylon", 12 International and Comparative Law Quarterly (1962), pp. 937-975.
71. "Adultery as an iniuria in modern Roman-Dutch law", 1963 Acta Juridica (South Africa), pp. 52-117.
72. "Roman legal thinking and the modern world", 21 University of Ceylon Review (1963), pp. 14-39.
73. "Recent retrospective legislation in Ceylon and the rule of law", 6 Journal of the International Commission of Jurists (1965), pp. 82-102.

/...

74. "Professorial servanthood or the status that never was", 8 Ceylon Journal of Historical and Social Studies (1965), pp. 14-23.
75. "The legal sovereignty of the Ceylon Parliament", 1966 Public Law (United Kingdom), pp. 65-96 (a comparative study).
76. "Legal limitations of constitutional reform", 9 Ceylon Journal of Historical and Social Studies (1966), pp. 1-19.
77. "The protection of corpus in Roman-Dutch law", 84 South African Law Journal (1967), pp. 56-75, 194-208, 331-348.
78. "The concept of Animus Iniuriandi", 86 South African Law Journal (1969), pp. 299-318.
79. "The sovereignty of the Ceylon Parliament revisited", Colombo Law Review (1969), pp. 91-104 (a comparative study).
80. "L'évolution constitutionnelle du Sri Lanka", in Corpus constitutionnel, tome II, 1974.

7. Languages

English, Sinhalese, French (some Dutch and Afrikaans, acquaintance with Spanish and Italian).

MIKUIN LELIEL BALANDA

[Original: English]

Born: Kinshasa, 12 September 1939
Nationality: Democratic Republic of the Congo
Marital status: Married

I. Secondary education

Classics (Latin, sciences), Collège des Pères Jésuites, Kiniati

II. Academic qualifications

Undergraduate studies in philosophy and literature, University of Liège, Belgium, 1961

Doctor of Laws, University of Brussels, Belgium, 1965

Special Diploma in International Law (two-year postgraduate course), University of Brussels, Belgium, 1966

III. Posts held

1. Bar

Avocat at the Court of Appeal of Lubumbashi (1967-1970)

Counsel for Société Nationale d'Assurances (1967-1970)

Member of the Board of Directors of Société Nationale d'Assurances (1966-1970)

2. University

Instructor at the Official University of the Congo (1967-1968)

Associate professor at the Official University of the Congo (1968-1969)

Professor at the Official University of the Congo (1970)

Professor in the Faculty of Law of the National University of Zaire from 1976 to date

Teaching courses on public international law, international organizations and international relations from 1967 to date

3. Administrative

Secretary of the Faculty of Economic, Political, Social and Administrative Sciences of the Official University of the Congo (1969)

Dean of the Faculty of Law of the National University of Zaire at the time of the University's establishment (1971-1973)

Director of the Institute of Advanced International Studies of the National University of Zaire (1970-1972)

4. Judicial and other

Judge at the Supreme Court of Justice of Zaire from 12 February 1970 to November 1978

President of the Supreme Court of Justice from November 1978 to October 1986

Senior President of the Supreme Court of Justice from October 1986 to date

Member of the Standing Committee on Reform of the Law of the Republic of Zaire from its establishment in 1971 to date

Chairman of the Standing Committee on Reform of the Law of the Republic of Zaire from February 1987 to date

Chairman of the Standing Subcommittee on Judicial Law from 1980 to date

5. International posts and missions

International civil servant at the Fonds Belgo-Congolais d'amortissement et de gestion, Brussels, 1965-1967

Representative of Zaire to the United Nations Commission on International Trade Law, 1968-1972

Member of the Zairian delegation to the Conference of Heads of State of Central and East Africa, Lusaka, 1968

Member of the Zairian delegation to the fourth summit conference of the Organization of African Unity, Kinshasa, 1968

Participated in the United Nations General Assembly (1969, 1970, 1972, 1975, 1978, 1980, 1981, 1982, 1985, 1986 and 1990)

Member of the Zairian delegation to the International Court of Justice at The Hague in connection with the consideration by the Court of the question of Western Sahara (July 1975)

/...

Representative of Zaire in the Sixth Committee of the United Nations General Assembly from 1978 to date

Member of the delegation of Zaire before the Committee on the Elimination of Racial Discrimination at its twenty-first and twenty-second sessions (Geneva and New York, 1980)

Member of the Permanent Court of Arbitration from February 1981 to date

Member of the Zairian delegation to the Ministerial Conference of the Organization of African Unity on the elaboration of the African Charter on Human and Peoples' Rights, Banjul, 1981

Member of the Zairian delegation to the Council of Ministers and the eighteenth Summit Conference of Heads of State and Government of the Organization of African Unity, Nairobi, June 1981

Member of the International Law Commission of the United Nations, 1982-1987

Member of the Ad Hoc Working Group of Experts on Southern Africa of the United Nations Commission on Human Rights from 1982 to date

Chairman of the Ad Hoc Working Group of Experts on Southern Africa since August 1987

Member of the Zairian delegation to the forty-third session of the Commission on Human Rights, Geneva, 1987

IV. Principal publications

1. Fonds Belgo-Congolais d'amortissement et de gestion (contributions to the study of international public institutions) (Lubumbashi, Publications de l'Université Officielle du Congo, 1968) 225 pages
2. Les fonctions diplomatiques et internationales (undergraduate textbook, 1969)
3. Histoire des relations internationales (undergraduate textbook, 1969)
4. Droit consulaire et style diplomatique (undergraduate textbook, 1969)
5. L'organisation judiciaire chez les Sakata, Dia et les Boma du Lac Léopold II (Brussels, Centre for Juridical History and Ethnology of the E. Solvay Institute of Sociology of the Free University of Brussels, 1970)
6. Nouveau droit constitutionnel zairois et le droit international (Paris, Nouvelles Editions Africaines, 1972) 350 pages

7. Les organisations internationales (undergraduate textbook) (Faculty of Law, University of Kinshasa, third edition, 1988)
8. La politique extérieure du Zaïre (Institut des Sciences et Techniques de l'Information, 1980)
9. Droit international de la coopération (graduate-level textbook) (University of Kinshasa, 1985)
10. L'OUA et la Charte de l'ONU
11. Les organisations internationales africaines (University of Kinshasa, 1985)
12. "La notion d'actes de gouvernement en droit zaïrois" (in Mélanges Ph. Piron collection)
13. "Le statut de la loi étrangère", Revue Juridique du Zaïre, 1985
14. "Les Tribunaux de paix et leur évolution au Zaïre", Revue Juridique du Zaïre, February 1985
15. "The African Charter on Human and Peoples' Rights" (published in English by Karl-Franzens-Universität, Graz. Institut für Völkerrecht und Internationale Beziehungen) Austrian International Law Journal, 1984
16. "Apartheid and the crime of genocide" (E/CN.4/AC.22/1984/810 and Add.1)
17. "Le droit à la vie", essay published by the Association of International Consultants on Human Rights, Geneva, in a collection of essays in memory of N. Kushalani (Bruxelles, Bruylant, 1986)
18. "Cours sur l'intégration africaine" organized by the United Nations Institute for Training and Research, Yaoundé, 1984
19. Le Protocole de Genève du 17 juin 1925 et l'interdiction de l'emploi de certaines armes (published by the United Nations Centre for Disarmament, 1985)
20. La responsabilité pénale internationale des Etats et l'oeuvre de la Commission du droit international (1985)
21. "La notion d'acte de gouvernement en droit zaïrois" (unpublished essay submitted to the Supreme Court of Justice)
22. "Le contrat d'entreprise clé-en-mains, le cas du Zaïre" in Revue de l'Institut de droit d'expression française (IDEF), Paris, 1988
23. "Le contrat de travail au Zaïre", in Revue de l'Institut de droit d'expression française (IDEF), Paris, 1989

24. "L'administration de la justice et la promotion des droits de l'homme", to be published soon in the Revue de l'Association internationale des juristes africains
25. "Compétence et procédure administratives de la Cour Suprême de Justice du Zaïre", paper delivered to the International Conference of Higher Administrative Courts, Helsinki, June 1989

V. Study trips abroad

Intern at the United Nations Office at Geneva, 1965

Study trip to the International Court of Justice, The Hague, 1965

Represented the Official University of the Congo at the Conference of African Universities, Kinshasa, 1968

Represented the Official University of the Congo at the Conference of Wholly or Partially French-speaking Universities, Montreal, 1969

Study trip to the United States of America (fellowship provided by the United States Government), 1972

Attended the second session of The Hague Academy of International Law, July 1975

VI. Membership in international associations and other information

Member of the Association of Attenders and Alumni of the Hague Academy of International Law

Member of the World Peace through Law Centre, Geneva

Member of the International Associations of Democratic Lawyers, Belgium

Member of the Association "Henri Rolin", Belgium (for the study of international law)

Participated as a consultant/expert in the UNITAR regional seminar for Africa, Kinshasa, 1975. Course on international development law

Participated in the international law seminar organized at Harare in 1981 by the University of Zimbabwe, in collaboration with the International Law Institute of Karl Franzen University, Graz, Austria

Participated in the nineteenth session of the International Law Seminar held at Geneva during the thirty-fifth session of the United Nations International Law Commission

Presentation: "Issues relating to the draft Code of Crimes against the Peace and Security of Mankind", July 1983

/...

Lecture entitled "Reflections on international development law" at the forum of the International Lawyers' Association of Geneva, July 1983

Participated in the UNITAR diplomatic seminar, Geneva, 1983

Presentation: "The Work of the United Nations International Law Commission", June 1983

Participated as a consultant/expert in the UNITAR regional seminar for Africa, Yaoundé, November 1984

Participated in the symposium at Geneva, held in June 1985 and sponsored by the United Nations Centre for Disarmament, on the occasion of the sixtieth anniversary of the Geneva Protocol of 17 June 1925 for the prohibition of the use of asphyxiating gases

Participated in the third session of the seminar organized at Geneva by the International Training Centre for Human Rights and Peace Teaching of the World Association for the School as an Instrument of Peace

Presentation: "The African Charter on Human and Peoples' Rights", July 1985

Participated as an expert at the Meeting of Experts on Security, Disarmament and Development in Africa, sponsored jointly by the Organization of African Unity and the United Nations, Lomé, August 1985

Vice-President of the African Association of International Law, April 1986 to date

Vice-President of the international club Zaire-Monde from its establishment in April 1986 to date

Vice-Chairman of the Committee for the International Covenants on Human Rights, a national advisory body within the Department of Citizen's Rights and Freedoms, 1987 to date

Zairian representative to the nineteenth congress of the Institut de droit d'expression française (IDEF) (French-language Law Institute), Yaoundé, February 1988

Coordinator for Central Africa of the research project on "International Humanitarian Law and African Traditions", undertaken jointly by the Institut Henri Dunant, Geneva, and the International Committee of the Red Cross (ICRC), Geneva

Initiator of the Central African subregional colloquium on international humanitarian law, held in January 1987 at the University of Kinshasa, in collaboration with ICRC, Geneva

Zairian representative to the twentieth congress of IDEF, Paris, January 1989

/...

Zairian representative to the International Conference of Ministers of Justice of French-speaking Countries, Paris, 1989

VII. Languages

French: official language

English: fluent (oral and written)

/...

HUBERT THIERRY

[Original: French]

President of the United Nations Administrative Tribunal
President of the Société Française pour le droit international
Professor emeritus, University of Paris X

I. Academic career

- | | |
|------------------------------|--|
| 1952-1954 | Lecturer at the Faculty of Law of Bordeaux |
| 1954 | Second place in the law faculties competitive examination leading to the <u>agrégation</u> |
| 1954-1958 | Professor holding the <u>agrégation</u> at the Faculty of Law of Grenoble |
| 1961-1969 | Professor at the Faculty of Law of Caen |
| 1969-1990 | Professor at the University of Paris X, Nanterre |
| 1974-1979 | Professor at the Institut politique, Paris (courses on the third world in international relations) |
| 1978 | Course at the Institut des hautes études internationales, University of Paris II |
| 1980 | Course at The Hague Academy of International Law on resolutions of international bodies in the decisions of the International Court of Justice |
| 1982, 1983,
1984 and 1985 | Vice-President of the jury for elective subjects at the École Nationale d'Administration |
| 1985 and 1986 | Visiting professor at the Institut des hautes études internationales, Geneva |
| 1987 | Visiting professor at the University of Geneva Faculty of Law |

II. International activities

- | | |
|------------------------------|--|
| 1955, 1956,
1957 and 1961 | Member of French delegations to the United Nations General Assembly |
| 1959-1961 | Legal adviser, French Embassy, Tunis |
| 1981-1986 | Deputy Director, United Nations Institute for Disarmament Research, Geneva |

/...

- 1990 Judge ad hoc at the International Court of Justice in the case concerning the arbitral award of 31 July 1989 (Guinea-Bissau v. Senegal)
- 1991 Member of the United Nations Administrative Tribunal
- 1995 Vice-President of the United Nations Administrative Tribunal
- 1996 President of the United Nations Administrative Tribunal

III. Other activities

- 1952 First Secretary of the Conference of Lawyer Interns at the Council of State and the Court of Cassation
- 1972-1976 Vice-President of the University of Paris X, Nanterre
- 1971-1979 Chairman of the French Section of Amnesty International
- 1974-1978 Head of mission to the Cabinet of the President of the National Assembly
- 1994 President of the Société Française pour le droit international

IV. Publications

Droit international (Domat Monchrestien, first edition 1975, fifth edition 1986), with J. Combacau, C. Vallée and S. Sur.

Droit et relations internationales (Collection of essays, Domat Monchrestien, 1984).

"Cours général de droit international public à l'Académie de droit international", Hague rec., vol. 222, 1990-III.

"Les résolutions des organes internationaux dans la jurisprudence de la Cour internationale de Justice, Académie de droit international", Hague rec., vol. 167, 1980-II.

Selected articles

"La condition juridique de Nord-Vietnam", Annuaire français de droit international, AFDI, 1955.

"L'avis consultatif de la Cour internationale de Justice du 20 juillet 1962 sur certaines dépenses des Nations Unies", AFDI, 1962.

"La cession à la Tunisie des terres des agriculteurs français", AFDI, 1963.

/...

"L'arrêt de la Cour internationale de Justice dans l'affaire du Cameroun septentrional", AFDI, 1964.

"The UN record in the struggle against intolerance", Patterns of prejudice, November-December 1971, vol. 5, No. 6; "Les arrêts du 20 décembre 1974 et les relations de la France avec la Cour internationale de Justice", AFDI, 1974.

"La protection internationale des droits de l'homme", Revue projet No. 151, January, 1981.

"L'homme sujet de droit" in: Réalités du droit international contemporain, 3, Actes de la cinquième rencontre de Reims. (Centre d'études des relations internationales, Reims, 1981).

Conclusions générales du colloque de la Société française de droit international sur le droit international et les armes (Paris, Pédone, 1983).

"Internationalisme et normativisme", in Guy Ladreit de Lacharrière et la politique juridique de la France (Masson, 1989).

"The thought of Georges Scelle", Journal européen de droit international, vol. 1, No. 1/2, 1990.

"De la clôture à l'ouverture. Réflexions sur la pensée de René Jean Dupuy." Humanité et droit international (Paris, Pédone, 1994).

"L'État et l'organisation de la société internationale. Rapport." In: l'État souverain à l'aube du XXIème siècle (Paris, Pédone, 1994).

"Note sur l'abrogation de l'article 11 du statut du T.A.N.U." Annuaire français de droit international, 1995, p. 442.

"L'article 11 de la Charte des Nations Unies", in: La Charte des Nations Unies, article par article, under the direction of J.-P. Cot and A. Pellet (Economica, 1991).

"L'avenir du droit international", with M. Bedjaoui, Droit international - Bilan et perspectives (sous les auspices de l'UNESCO; Paris, Pédone, 1991).

"L'Agenda pour la paix et la Charte des Nations Unies". Académie de droit internationale de La Haye, Le développement du rôle du Conseil de sécurité (Martinus Nijhoff, 1993).

"L'Agenda pour la Paix. Arès 1993". VII XIV/1.P 9, Paix et sécurité internationale.

"La France et le désarmement". In: La France et l'ONU,
A. Lewin, coordinator (Paris, 1995).

"Le consensus dans les organisations internationales". Letter to
the Académie des Sciences morales et politiques.
29 October 1995. Revue des Sciences morales et politiques, 1995,
No. 4.

"Les voies de recours contre les jugements du TANU et du TAOIT",
in: Le Contentieux de la fonction publique internationale
(Paris, Pédone, 1996).

Numerous lectures and reviews in l'Annuaire française de droit
international and in the review Trimestre du monde. Articles in
Le Monde and Le Figaro on topics of current interest.

International Court of Justice

Dissenting opinion subsequent to the order of 2 March 1990.
Request for the indication of interim measures (Guinea-Bissau v.
Senegal), I.C.J. Reports 1990, p. 79.

Dissenting opinion in the case concerning the arbitral award of
31 July 1989 I.C.J. Reports 1991, p. 175.
